IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

WP(C).No. 30933 of 2007(G)

PETITIONER:

M/S. WORLDWIDE HANDLING AGENCIES,
CCHA BUILDINGS, INDIRA GANDHI ROAD, KOCHI-3,
REPRESENTED BY ITS MANAGING PARTNER,
BALAGOPALA B.PAI.

BY ADV. SRI.P.GOPALAKRISHNA MENON
SRI.M.JITHESH MENON

RESPONDENTS:

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1. THE SECRETARY,
STATE TRANSPORT AUTHORITY, TRIVANDRUM.

2. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT,
TRIVANDRUM.

BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 30933 OF 2007 G

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Dated this the 18th October, 2007

J U D G M E N T

In Ext. P8 judgment a Division Bench of this Court had directed the 2nd respondent to consider the request of the petitioner for exemption from tax as per the provisions of Chapter VIII of the Kerala Motor Vehicles Rules, 1988. Such orders were to be passed within three months of receipt of a copy of that judgment. Petitioner now submits that Ext. P9 order dated 20-9-2007 has been passed rejecting the petitioner's representation, but, however, without issuing notice to them or affording them an opportunity of being heard.

2. A perusal of Ext.P9 reveals that the petitioner is well founded in its submission. If that be so, the order has been passed in violation of the principles of natural justice. Hence, it deserves to be quashed.

3. Accordingly, I quash Ext. P9 and direct that Ext. P7 representation of the petitioner shall be considered with notice and with an opportunity of being heard as expeditiously as possible, at any rate within two months of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

ANTONY DOMINIC
JUDGE

jan/-.